

CLOSED, CONSENT

U.S. District Court
District of New Mexico – Version 4.2 (Santa Fe)
CIVIL DOCKET FOR CASE #: 6:10-cv-00741-RHS-LFG

WildEarth Guardians v. Animal and Plant Health Inspection
 Service
 Assigned to: Magistrate Judge Robert Hayes Scott
 Referred to: Magistrate Judge Lorenzo F. Garcia
 Cause: 05:552 Freedom of Information Act

Date Filed: 08/09/2010
 Date Terminated: 04/08/2013
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff**WildEarth Guardians**

represented by **Steven Sugarman**
 347 County Road 55A
 Cerrillos, NM 87010
 505-672-5082
 Fax: 505
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ATTORNEY TO BE NOTICED

V.

Defendant

**Animal and Plant Health Inspection
 Service**
*an agency of the United States
 Department of Agriculture*

represented by **Manuel Lucero**
 US Attorney's Office
 District of New Mexico
 PO Box 607
 Albuquerque, NM 87103
 (505) 346-7274
 Email: manny.lucero@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/09/2010	<u>1</u>	COMPLAINT against Animal and Plant Health Inspection Service (Filing Fee – Online Payment), filed by WildEarth Guardians. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet)(Sugarman, Steven) (Entered: 08/09/2010)
08/09/2010		Filing Fee Received: \$ 350 receipt number 1084-1640993 re <u>1</u> Complaint filed by WildEarth Guardians (Payment made via Pay.gov)(Sugarman, Steven) (Entered: 08/09/2010)
08/09/2010		**FILED IN ERROR** U.S. Magistrate Judge Robert Hayes Scott and U.S. Magistrate Judge Lorenzo F. Garcia are assigned. (jm) Modified on 8/9/2010 to include error text (jm). (Entered: 08/09/2010)
08/09/2010		U.S. Magistrate Judge Robert Hayes Scott and U.S. Magistrate Judge Lorenzo F. Garcia are assigned. (jm) (Entered: 08/09/2010)
08/09/2010	2	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Robert Hayes Scott to conduct all proceedings in this matter, including trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made within 21 days after service of this notice.</i> For e-filers, visit our website at www.nmcourt.fed.us for more information and instructions. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (jm) (Entered: 08/09/2010)

08/09/2010		Office code correction. Case office code has been changed from 1 (Albuquerque) to 6 (Santa Fe). (rw) (Entered: 08/09/2010)
08/10/2010		Summons Issued as to Animal and Plant Health Inspection Service, U.S. Attorney and U.S. Attorney General (ln) (Entered: 08/10/2010)
09/15/2010	<u>3</u>	ANSWER to <u>1</u> Complaint by Animal and Plant Health Inspection Service. Related document: <u>1</u> Complaint filed by WildEarth Guardians.(Lucero, Manuel) (Entered: 09/15/2010)
09/16/2010	4	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), Animal and Plant Health Inspection Service voluntarily consents to have United States Magistrate Judge Robert Hayes Scott conduct all proceedings in this case, including trial and order the entry of final judgment. (Lucero, Manuel) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 09/16/2010)
09/16/2010	5	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), WildEarth Guardians voluntarily consents to have United States Magistrate Judge Robert Hayes Scott conduct all proceedings in this case, including trial and order the entry of final judgment. (Sugarman, Steven) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 09/16/2010)
09/17/2010	<u>6</u>	INITIAL SCHEDULING ORDER by Magistrate Judge Lorenzo F. Garcia. Joint Status Report due by 11/5/10. Scheduling Conference set for 11/10/10 at 9:00. (clm) (Entered: 09/17/2010)
10/29/2010	7	NOTICE of Hearing: Scheduling Conference is RESET for 11/16/10 at 10:00 before Magistrate Judge Lorenzo F. Garcia. JSR is now due 11/12/10. (clm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 10/29/2010)
11/12/2010	<u>8</u>	FILED IN ERROR – Joint Status Report by Animal and Plant Health Inspection Service, WildEarth Guardians (Sugarman, Steven) Modified error text on 11/15/2010 (ln). (Entered: 11/12/2010)
11/15/2010	9	Joint Status Report by Animal and Plant Health Inspection Service, WildEarth Guardians (Sugarman, Steven) (Entered: 11/15/2010)
11/16/2010	<u>10</u>	CLERK'S MINUTES. Scheduling Conference conducted by Magistrate Judge Lorenzo F. Garcia on 11/16/10 at 10:00. (clm) (Entered: 11/16/2010)
11/16/2010	<u>11</u>	SCHEDULING ORDER ADOPTING JOINT STATUS REPORT and Provisional Discovery Plan <u>9</u> by Magistrate Judge Lorenzo F. Garcia. Dispositive Motions due by 12/15/10. (clm) (Entered: 11/16/2010)
12/14/2010	<u>12</u>	MOTION for Summary Judgment <i>and Memorandum in Support</i> by Animal and Plant Health Inspection Service. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Lucero, Manuel) (Entered: 12/14/2010)
01/21/2011	<u>13</u>	Unopposed MOTION to Extend (other) <i>Time for Filing Motion for Leave to Conduct Discovery and</i> , MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION for Summary Judgment <i>and Memorandum in Support</i> by WildEarth Guardians. (Sugarman, Steven) (Entered: 01/21/2011)
01/26/2011	<u>14</u>	ORDER by Magistrate Judge Lorenzo F. Garcia Granting Extension of Time <u>13</u> to File Response and conduct any discovery by 2/28/11. (clm) (Entered: 01/26/2011)
02/28/2011	<u>15</u>	MEMORANDUM in Opposition re <u>12</u> MOTION for Summary Judgment <i>and Memorandum in Support</i> filed by WildEarth Guardians. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Exhibit Exhibit 14, # <u>15</u> Exhibit Exhibit 15, # <u>16</u> Exhibit Exhibit 16, # <u>17</u> Exhibit Exhibit 17, # <u>18</u> Exhibit Exhibit 18)(Sugarman, Steven) (Entered: 02/28/2011)

03/17/2011	<u>16</u>	REPLY to Response to Motion re <u>12</u> MOTION for Summary Judgment <i>and Memorandum in Support</i> filed by Animal and Plant Health Inspection Service. (Lucero, Manuel) (Entered: 03/17/2011)
03/17/2011	<u>17</u>	NOTICE of Briefing Complete by Animal and Plant Health Inspection Service re <u>12</u> MOTION for Summary Judgment <i>and Memorandum in Support</i> filed by Animal and Plant Health Inspection Service (Lucero, Manuel) (Entered: 03/17/2011)
03/30/2011	<u>18</u>	NOTICE by WildEarth Guardians re <u>15</u> Memorandum in Opposition,, <i>Notice of Filing Corrected Version of Memorandum in Opposition to Defendant's Motion for Summary Judgment</i> (Attachments: # <u>1</u> Errata Corrected Version of Memorandum in Opposition to Defendant's Motion for Summary Judgment)(Sugarman, Steven) (Entered: 03/30/2011)
04/14/2011	<u>19</u>	ORDER by Magistrate Judge Robert Hayes Scott DENYING <u>12</u> Defendant's Motion for Summary Judgment(ge) (Entered: 04/14/2011)
04/14/2011	20	NOTICE OF HEARING. Scheduling Conference is set for 5/5/11 at 3:00 before Magistrate Judge Lorenzo F. Garcia. Updated Joint Status Report & Prov. Discovery Plan due by 5/3/11. (clm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 04/14/2011)
05/04/2011	<u>21</u>	AMENDED Joint Status Report and Provisional Discovery Plan (<i>upon denial of Defendant's Motion for Summary Judgment</i>) by WildEarth Guardians (Sugarman, Steven) Modified as to text on 5/5/2011 (jm). (Entered: 05/04/2011)
05/05/2011	<u>22</u>	CLERK'S MINUTES. Telephonic Scheduling Conference conducted by Magistrate Judge Lorenzo F. Garcia on 5/5/2011 at 3:00. (clm) (Entered: 05/05/2011)
05/09/2011	<u>23</u>	SCHEDULING/DISCOVERY ORDER by Magistrate Judge Lorenzo F. Garcia. Discovery 10/3/11; Discovery Motions 10/24/11; Pretrial Motions 11/3/11. (clm) (Entered: 05/09/2011)
07/25/2011	<u>24</u>	NOTICE by WildEarth Guardians <i>as to Service of First Set of Discovery Requests on July 25, 2011</i> (Sugarman, Steven) (Entered: 07/25/2011)
09/06/2011	<u>25</u>	MOTION for Extension of Time to Complete Discovery by WildEarth Guardians. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Sugarman, Steven) (Entered: 09/06/2011)
10/03/2011	<u>26</u>	ORDER by Magistrate Judge Robert Hayes Scott granting <u>25</u> Motion for Extension of Time to Complete Discovery (ge) (Entered: 10/03/2011)
10/12/2011	<u>27</u>	AMENDED ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND DISCOVERY DEADLINE, amended to specify dates.(ge) (Entered: 10/12/2011)
10/12/2011		Amended Deadlines: Discovery due by 11/4/2011. Discovery Motions due by 12/5/2011. Pretrial Motions due 12/15/2011. (ge) (Entered: 10/12/2011)
10/12/2011	<u>28</u>	NOTICE by WildEarth Guardians <i>of Service of Second Set of Written Discovery Requests</i> (Sugarman, Steven) (Entered: 10/12/2011)
12/05/2011	<u>29</u>	MOTION to Compel <i>Answers to Written Discovery Requests</i> by WildEarth Guardians. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Sugarman, Steven) (Entered: 12/05/2011)
12/07/2011	<u>30</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>29</u> MOTION to Compel <i>Answers to Written Discovery Requests</i> by Animal and Plant Health Inspection Service, WildEarth Guardians. (Lucero, Manuel) (Entered: 12/07/2011)
12/07/2011	31	ORDER by Magistrate Judge Lorenzo F. Garcia Granting Motion for Extension of Time to File Response/Reply <u>30</u> to MOTION to Compel <u>29</u> . Response due by 1/6/2012; Reply due by 1/30/2012. (clm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 12/07/2011)

01/06/2012	<u>32</u>	RESPONSE in Opposition re <u>29</u> MOTION to Compel <i>Answers to Written Discovery Requests</i> filed by Animal and Plant Health Inspection Service. (Attachments: # <u>1</u> Exhibit A1, # <u>2</u> Exhibit A2, # <u>3</u> Exhibit A3)(Lucero, Manuel) (Entered: 01/06/2012)
01/30/2012	<u>33</u>	NOTICE by WildEarth Guardians re <u>29</u> MOTION to Compel <i>Answers to Written Discovery Requests -- Extension of Deadline for Reply Memorandum Until February 17, 2012</i> (Sugarman, Steven) (Entered: 01/30/2012)
02/17/2012	<u>34</u>	REPLY to Response to Motion re <u>29</u> MOTION to Compel <i>Answers to Written Discovery Requests</i> filed by WildEarth Guardians. (Attachments: # <u>1</u> Exhibit Exhibit 1 (DOJ OIP FOIA Guidance), # <u>2</u> Exhibit Exhibit 2 (Gary Strader Declaration))(Sugarman, Steven) (Entered: 02/17/2012)
02/21/2012	<u>35</u>	MOTION to Amend/Correct <u>19</u> Order on Motion for Summary Judgment by WildEarth Guardians. (Attachments: # <u>1</u> Exhibit Exhibit 1 (Obama memorandum), # <u>2</u> Exhibit Exhibit 2 (DOJ OIP guidance))(Sugarman, Steven) (Entered: 02/21/2012)
03/05/2012	<u>36</u>	NOTICE by Animal and Plant Health Inspection Service re <u>35</u> MOTION to Amend/Correct <u>19</u> Order on Motion for Summary Judgment <i>Of and Extension of time to respond to the Motion for Summary Judgment</i> (Lucero, Manuel) (Entered: 03/05/2012)
03/12/2012	<u>37</u>	NOTICE of Briefing Complete by WildEarth Guardians re <u>29</u> MOTION to Compel <i>Answers to Written Discovery Requests</i> filed by WildEarth Guardians (Sugarman, Steven) (Entered: 03/12/2012)
03/30/2012	<u>38</u>	RESPONSE in Opposition re <u>35</u> MOTION to Amend/Correct <u>19</u> Order on Motion for Summary Judgment filed by Animal and Plant Health Inspection Service. (Attachments: # <u>1</u> Affidavit)(Lucero, Manuel) (Entered: 03/30/2012)
04/30/2012	<u>39</u>	NOTICE by WildEarth Guardians re <u>35</u> MOTION to Amend/Correct <u>19</u> Order on Motion for Summary Judgment (<i>Notice Pursuant to Local Rule 7.4(a) Extending Deadline for Reply Memorandum</i>) (Sugarman, Steven) (Entered: 04/30/2012)
05/04/2012	<u>40</u>	ORDER by Magistrate Judge Robert Hayes Scott granting <u>29</u> Motion to Compel (ge) (Entered: 05/04/2012)
05/11/2012	<u>41</u>	REPLY to Response to Motion re <u>35</u> MOTION to Amend/Correct <u>19</u> Order on Motion for Summary Judgment filed by WildEarth Guardians. (Sugarman, Steven) (Entered: 05/11/2012)
05/15/2012	<u>42</u>	NOTICE of Briefing Complete by WildEarth Guardians re <u>35</u> MOTION to Amend/Correct <u>19</u> Order on Motion for Summary Judgment filed by WildEarth Guardians (Sugarman, Steven) (Entered: 05/15/2012)
05/25/2012	<u>43</u>	Unopposed MOTION to Extend (other) <i>to respond to interrogatories</i> by Animal and Plant Health Inspection Service. (Lucero, Manuel) (Entered: 05/25/2012)
05/29/2012	<u>44</u>	AGREED ORDER by Magistrate Judge Lorenzo F. Garcia Granting Motion For Extension of Time to 7/15/12 for Defendant to respond to Plaintiff's interrogatories <u>43</u> . (clm) (Entered: 05/29/2012)
05/29/2012	<u>45</u>	AMENDED AGREED ORDER by Magistrate Judge Lorenzo F. Garcia Granting Motion for Extension of Time to 7/15/12 for Deft. to respond to all written discovery <u>43</u> . (clm) (Entered: 05/29/2012)
07/05/2012	<u>46</u>	Joint MOTION to Extend (other) <i>Additional Extension of Time for Defendant's Response to Written Discovery Requests</i> by WildEarth Guardians. (Sugarman, Steven) (Entered: 07/05/2012)
07/06/2012	<u>47</u>	ORDER by Magistrate Judge Lorenzo F. Garcia Granting Joint Motion for Additional Extension of Time for Defendants' Response to Written Discovery Requests <u>46</u> until 9/15/12. (clm) (Entered: 07/06/2012)
09/17/2012	<u>48</u>	CERTIFICATE OF SERVICE by Animal and Plant Health Inspection Service re <u>40</u> Order on Motion to Compel <i>and providing answers to Interrogatories and Req. for Production of Documents</i> (Lucero, Manuel) (Entered: 09/17/2012)

09/26/2012	<u>49</u>	Joint MOTION Joint Motion for Entry of Scheduling Order by WildEarth Guardians. (Sugarman, Steven) (Entered: 09/26/2012)
09/26/2012	<u>50</u>	ORDER by Magistrate Judge Robert Hayes Scott denying <u>35</u> Motion to Amend/Correct; granting <u>49</u> Joint Motion for Entry of Scheduling Order (ge) (Entered: 09/26/2012)
10/25/2012	<u>51</u>	Joint Status Report by WildEarth Guardians (Sugarman, Steven) (Entered: 10/25/2012)
11/21/2012	<u>52</u>	NOTICE OF HEARING: A telephonic Status Conference is set for 11/30/12 at 10:00 before Magistrate Judge Lorenzo F. Garcia. The Court will initiate the call. (clm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 11/21/2012)
11/30/2012	<u>53</u>	Clerk's Minutes for telephonic status conference held before Magistrate Judge Lorenzo F. Garcia on 11/30/2012. (mw) (Entered: 11/30/2012)
04/01/2013	<u>54</u>	STIPULATION of Dismissal <i>Pursuant to Fed.R.Civ.P 41(a)(i)(A)(ii)</i> by WildEarth Guardians (Sugarman, Steven) (Entered: 04/01/2013)
04/01/2013	<u>55</u>	Joint MOTION to Approve Settlement by WildEarth Guardians. (Attachments: # <u>1</u> Exhibit Exhibit 1 – Stipulation of Dismissal)(Sugarman, Steven) (Entered: 04/01/2013)
04/08/2013	<u>56</u>	ORDER GRANTING JOINT MOTION FOR APPROVAL AND ADOPTION OF STIPULATION OF DISMISSAL by Magistrate Judge Robert Hayes Scott granting <u>55</u> Motion to Approve Settlement. (mg) (Entered: 04/08/2013)